

1509/79. (5.)
Some Remarks,

Upon a Late

Scandalous Pamphlet ;

ENTITULED, An

ADDRESS,

OF SOME

IRISH-FOLKS

TO THE

House of Commons.

Printed in the Year, 1702.

*Some Remarks upon a late Scandalous Pamphlet, Entituled,
An ADDRESS of some Irish Folks to the House of*

C O M M O N S.

I Must confess, 'tis neither the Wit nor the ill Nature of this Paper moves me to trouble the World with my thoughts of it, but it being Printed by the Printer to the Trustees, transcribed by one of their Clerks, Corrected in the Press by their Secretary, and first Published and Applauded by Mr. *Tr——d*, who delivered it to a Gentleman in the publick Coffee-House the day before it was made Publick; in respect to his Character, and the great Trust reposed in him; I cannot use it with so much contempt as some men do, who judge of the Author by his performance on this Occasion; he must pardon me therefore, if I give him the Credit of it till the real Author is discovered.

In his first Report relating to the Irish Forfeitures, he has bare faced, endeavoured to blacken all Ranks of men amongst us, and he has so long escaped, that he thinks he may now use us with scorn, and turn every thing we do into Ridicule. Nor does he treat the King better, for first, he did what in him lay to expose his Grants, and make them appear unreasonable, and now he has the boldness to intercept the Addresses of his people to him, and turn them into Ridicule before His Majesty has seen them, which is an Indignity would not be offered without hazard to any private Gentleman.

Suppose there were any thing contained in the Addresses of dangerous Consequence, to either Kingdom, as I humbly presume there is not, whilst they are in the hands of the Addressers, they may be suppressed or altered, so as best to suit their present Occasions, but for any person to intercept a Copy, and an Imperfect one too, to publish it in such a manner, turning their just complaints into Railery; not by giving an Ingenious turn to the Words, but by forcing a Sense on them they cannot bear, is what would not be offered His Majesty, by any well wisher to his Person and Government, or endured by any People, but such as preferred Peace, and the Duty they owe the publick to their private Resentments.

In Respect to the Community I live in, I will say nothing of the Addresses now on Foot, till they are made publick in a Regular way, but this Author having Published the Addresse of some *Irish Folks*, I think every Man

at



at liberty to make his Remarks; my Method shall be first, to set down this Mock Address Paragraph by Paragraph, then strip it of its Banter, that the evil Design of it may appear to the meanest Understanding, and afterwards make proper Remarks upon it.

The ADDRESS to the House of COMMONS.

YOUR Honours Grateful and Humble Servants, as many of the Protestants of this Kingdom, as the Promoters of this Address could prevail upon to Sign the same without Reading of it, lying (as we are informed) under such Oppression, by means of the late Act of Resumption and the Execution thereof, and Apprehending that the dependence of this Kingdom upon England may be the Unavoidable Consequence of it, do humbly fly in your Honours Face for making the same, and pray your Honours (the Restorers of our Liberty by the Blood and Treasure of the People of England) would once again take our Distracted Condition into your Consideration, and first tell us what we want, and secondly, what we would have.

The plain design of our Author, is to perswade people to believe that great Arguments have been used with the people of this Kingdom, to Sign the Address, but that few would do it; and that many of those who Signed it, did it without reading of it: That the people here are under no real Misfortune, but are told so; That the dependence on *England*, is the true Grievance and the Consequence of the Act; that this Address hinted at to His Majesty; is flying in the Face of the House of Commons; that the People of *England* restored the Protestants of *Ireland* to their Liberty with the Blood and Treasure of *England*, without any Assistance from them; That the People of *Ireland*, viz. the Lords, Gentry, Justices of the Peace, and Grand Juries of the Kingdom, are all Distracted, and know neither what they want, nor what they would have.

This is a very Severe and Melancholly Account of us, I must indeed confess; that if the Addresses from the several Counties have been obtained in this manner, and will by a natural Construction bear this Comment, (had the Addresses been made publick) they had well deserved the Usage they have met with: But if on the contrary, these Addresses have been Signed by all but those whose Fortunes depend on the Judgments of the Trustees, and these be the only persons in this Kingdom, whose displeasure (to use their own Phrase) is not easily born; if fatal Injuries can be given of Men of Character and Fortune, whom they have endeavoured to Sacrifice to their Revenge; And if they make use of Witnesses, who have been detected to be guilty of Perjury and Forgery, even in their own Court, to compass their designs; and if there be no Power in this Kingdom able to Relieve; if all endeavours have been used to deter People from Complaining; if the Common and Statute Law be here in a great Measure laid aside, and the benefit of the *Habeas Corpus* denied to our persons, and a Replevin for our Goods, and the Judgments of Courts of Law and Equity subjected to their Inspection; if this be our Case, is it any wonder that some Men for self Preservation decline the Signing of

these Addresses; but surely there is enough done, to shew the general Sense of the Kingdom, and the delay of one or two Counties may very well be imputed to the Terrour they are under, since it happens in Counties where a great part of the Forfeitures lie: But the Libel tells us, that there is no real Grievance, only some designing Fellows tells us so, it were well, had this Scribler Rhetorick enough to perswade us to this; but 'tis difficult, to make a man who feels the blow believe that he was not struck; if it be an imaginary Misfortune to buy Land by Advice of Council, and lose it in less than two Years; for a Protestant to forfeit his Remainder for the Rebellion of a Papist, and this by a Law, *Ex post facto*; to have the benefit of Bargains between Protestants taken away, where neither party was forfeiting; to put men upon a necessity of Claiming, what had formerly been Settled at a considerable Expence in the Ordinary Courts of Justice; to be for these 3 Months last past denied the Minutes of their Court, till such time as the Claim is allowed; and if disallowed, to be absolutely denied them; to have mens Estates Surveyed by their Surveyors, which were never yet called in Question, and to be told at the same time, that if they shall sell those Lands, they are not recoverable in any other Court; if a man hath been put to the Expence of near 80 Years value of the thing Claimed in making his Title out; this seems so Extravagant that I must acquaint my Reader, that 'tis the Case of Mr. Conly, who was put to the Expence of near 20 l. in recovering a chief Rent of 5 s. per Annum; If several persons who had Claims of a small value, have chose rather to quit their Interest, than be at the Expence of the Claim; if one part of the Kingdom are Oppressed, to give some of them a better Opportunity of providing for their Relations; if Instances can be given of the same Case, where a Protestants Claim has been dismissed, and a Papists allowed; If the Trustees have, and do still refuse to allow the Purchasers, Interest for the 21000 l. allowed them by the Act, and also refuse payment, tho' they are Impowered by the Act, to sell immediately for ready money; to this purpose, if persons who had got possession of Lands by Execution are dispossessed and so are continued, notwithstanding the Claims have been long since allowed; and if this be more particularly hard, upon these whose Penalties are incur'd to double the principal Sum, because, that in this Case the Interest does not run on; if several Mortgagees, notwithstanding their Claims are allowed, are yet kept out of Possession; And if that in some Instances, where the Land is not worth the Money, it stands security; for if men are delayed under pretence of having their Accounts Stated by their Master; and if in few or no Cases where Protestants are concerned, the mean profits are ever returned upon the Allowance of the Claim; if notwithstanding all the Claims are determined; Yet not above one decree is delivered out, and that to a Member of Parliament in England; And if this be the single Case before them wherein no Fee was taken; if Claims after they were posted, have several times been put off on frivolous pretences of their Clerks, without any Affidavit, and some six several times, notwithstanding the Claimant had made so many Journeys, with Witnesses from one of the Remotest Provinces.

If these and such like are only imaginary Evils, then the People of this Countrey who labour under them, may want an Informer to tell them so; but if they are great Inroachments upon the Laws and Liberties of the People, and not Warranted by the Act, then sure there is just cause for Complaint; if the Act be grievous in it self, and be made much more so by the Execution, must not the People speak.

But we are told, that Addressing the King is flying in the face of the House of Commons, 'tis to be hop'd that Honourable House will put a more favourable Construct on on these Addresses; is not His Majesty part of the Legislative body, and is not the Execution of all Laws committed to him, and do not we complain both of the Law and the Execution of it; do not the people here at the same time they Address, send over Gentlemen with Power to lay their grievances before both or either House of Parliament, can this be termed flying in the face of the House of Commons; so far I will become bound for our Author, that whenever they disoblige him, he will fly in their faces, so that they are on their good behaviour.

But we are told, that the *Dependence of Ireland* is the chief grievance, this is as true and just as what he said before, had our Address been to remove 12 Gentlemen from us, who were exercising a power among us without the colour of a Law, had the people of this Country not given due Obedience to it, there had been some Foundation for this Impudent Assertion, but if on the contrary, they have paid all due Obedience, and applyed in a reasonable manner, to obtain the Repeal or Mitigation of a Law that is very grievous to them; there is surely no Provocation given for this Accusation. This Author knows nicely how to time things, then was a fit Season to blow up an Army, now a Kingdom; should the House of Commons listen to our Complaints, they might probably Relieve us, therefore they are to be blown up into a flame, something must be done to stop their Ears and open their mouths against us, and no handle so probable to succeed as to insinuate, that we dispute their Legislative and Effect to be Independent. I am of Opinion, the House of Commons will not thank this Author for what he would perswade Men to believe, that the dependence of this Kingdom upon *England*, may be the unavoidable consequence of the Act; I suppose the House of Commons think our dependence of an older date, and that they were sufficiently secured of it long since: Nay the Matter was so plain before the passing of this Act, that Mr. *Cary* himself undertook the Debate and made it as plain as a Sun-Dial: If we are now upon a worse foot of Liberty than before the passing of the Act, then it must be allowed, we have reason to complain, if not, then our Legislature and Dependence with regard to *England*, when this Act is repealed, will be the same it now is, or was, before the making of the Act: Do the Burroughs of *England*, who complain of the Inconveniencies of a Law thereby, dispute the Legislature; does not he who Petitions for the Repeal of a Law allow it to be in force; *Ireland* must be allowed, of all Countries most miserable, if *England* will make Laws for her, and she not have liberty to complain, and shew the Inconvenience, to either or both Kingdoms, this being a favour not denyed the meanest Burrough in *England*.

In the next Words, our Author tells us, that the people of *Ireland* were restored to their Liberties by the blood and Treasure of *England*, here is a most malicious

Suggestion, as if the People of *Ireland* had born no part: I am afraid the vigorous Resistance some of us made, particularly at *Derry* and *Inniskilling*, is part of our Crime, all I will say upon this Head is, that the Protestants of *Ireland* did all on that Occasion could be expected from men in their Circumstances, and will if the like misfortunes ever happen to *England*, which God Avert, venture both their Lives and Fortunes in the Quarrel, which they will ever look upon as their own, what follows in this Paragraph, that the Protestants of *Ireland* are all distracted, and know neither what they want or would have, deserves no other Answer then a Pillory or a Whipping.

The Deplorable condition of many Families, who for their own sake adhere firmly to the Crown of England, and the particular disappointments of some self Interested Persons amongst us, Restrains us from Civilities, and Obliges us to let your Honours know, that this English Act, being intirely fram'd and passed in England, the real Truth of our Circumstances, could not be known to your Ignorant Honours.

In this Paragraph, the Worthy Author Ridicules the deplorable Condition of many Families, and tells the House of Commons, that for their own sakes, they adhered firmly to the Crown of *England*, that the particular disappointments of some self interested persons, restrains the people of this Countrey from Civility, and puts them upon a necessity of complaining; that the Act being intirely passed and fram'd in *England*, the truth of their Circumstances could not be known, and consequently that their Honours were a very ignorant Assembly.

If what has been hinted at in answer to the first Paragraph be true, as will be made appear, then it must be granted, our condition in this Kingdom is very Miserable, and with Submission, what better Security can *England* desire, than to have it our Interest to adhere to them, is it not to this most men are firm, how far some more such Commissions as are now on foot, will alter both their Interests and Inclinations, I cannot tell, I may truly say here, that the disappointments of some self Interested persons, who have found much more Respect and Money too, then either they expected or deserved, restrains them from Civility, and obliges us to let them know, that they are not Impowered by the Act, to Abuse and turn into Ridicule the Act of a Kingdom, and stir up Animosities and ill Blood amongst us, at a time when Unanimity was never more necessary, for the Preservation of the whole Body Politick; And I must add, that 'tis no wonder our Author is so free with the Protestants of *Ireland*, when he has the Impudence to term the House of Commons of *England*, *Your Ignorant Honours*, is there no difference then between being Misinformed, or not fully informed, and being Ignorant, is this the only Instance wherein they wanted Information, have they not made Laws one Year, and repealed them the next; is it impossible for men to be mistaken, who refused to receive Petitions, and proceeded on the Testimony of 4 of 7, and those 4 being Inferiour to the 3, in quality, knowledge of the Laws, and Experience, whereas if we look into the Character of the Four, they will be known by little else then the constant Opposition they have given His Majesty and Government.

Hence we shew our Reason by Complaining.

Hence this Author shews his Education and Inclination, by his Sense and Manners
That

That the Papists of this Kingdom, have received as much Benefit by this Act as is therein provided for them, and even those who having more Courage than the rest, stood out to the last and Surrendered on Articles, which your Honours have saved unto them, and besides, other Impartialities, shewed unto them all, those who by His Majesty's favour obtained the Reversal of their Outlawries, are by this Act left as they were before, without Fee or Reward, contrary to the late Rights of some of your Petitioners, and the Ancient Custom of this Kingdom; when most of the Grants (for Re-assuming of which the Act was made) are thereby Re-assum'd, contrary to the true Intent and Meaning of the Grantees, and all deriving or any way concerned under them.

In this Paragraph we are told, that the Papists do receive the benefit designed them by the Act, that those were Courageous Gentlemen who stood out to the last; that those who by His Majesty's favour obtained the reversal of their Outlawries, are by this Act left as they were without Fee or Reward; whereas on the contrary, all favours conferred by His Majesty on Protestants are Reassumed, and that the Act was made for this end.

Now pray consider what 'tis we complain of in our Addresses, is it not that the Act depresses the Protestants and confirms the Rights of the Papists, and that many of the Executioners of the Act, have on all occasions, as our Author does on this become Advocates for them; why might not the Protestants of Ireland, who as the Author says, have firmly adher'd to the Interest of England for their own sakes, expect as much favour in an English Parliament, as men who for their own sakes have always opposed the Interest of England, and whose Interest 'tis so to do. Had it not been as proper for this Author, to have extol'd the Courage of a Grantee, who headed the English Granadeers and waded through the Shannon at the Attacque of *Athlone*, as the Courage of those who stood out to the last in opposing England. Had not my Lord *Athlone* better Title to favour, then those who obtain'd the Reversal of their Outlawries by Bribery and Corruption; from whom is it now the people of England will expect hearty Assistance, in the succeeding War, from the Papists or Protestants, if from the Latter, ought not they to expect most favour from England; I would not be here Misunderstood, as if it were the Aim of the People of this Kingdom, to infringe the Articles of *Lymrick*; 'tis below a generous Nation, such as England is to break their Faith, but notwithstanding what has been said by a late Author of *Grants and Resumptions*, we are still of opinion, that there was as much reason for Resuming the Estates of those who were restored by His Majesty's favour, as the Grants made to Meriting persons; was not the House of Commons the 4th of March 1692. of this Opinion, and did they not then Address the King, that no Outlawries of any Rebels in Ireland may be reverted, or pardons granted to them, but by Advice of Parliament, is not this giving those Gentlemen fair Notice, which is so often objected to the Poor Protestant Purchasers, this Address is in so much a different Stile from this Libel, that for the Mortification of our Author, who plainly intends the Ruin of the Protestants here, I will insert some paragraphs of it.

We Your Majesty's Most Dutiful and Loyal Subjects, the Commons in Parliament Assembled, having taken into our Serious Consideration, the State of Your Majesty's

Kingdom of Ireland, find our selves obliged by our Duty to Your Majesty with all faithfulness, and zeal to your Service, to lay before your Majesty the great Abuses and Mismanagements of the Affairs of that Kingdom.

By Exposing your Protestant Subjects to the Misery of free Quarter, and the Licentiousness of the Soldiers, to the great Oppression of the people there, &c.

By Recruiting your Majesty's Troops with Irish Papists, and such Persons who were in open Rebellion against you, to the great Endangering and Discouraging of your Majesty's good and Loyal Protestant Subjects in that Kingdom.

By granting Protections to Irish Papists, whereby Protestants are hindered from their Legal Remedies, and the Course of Law is stop'd by Reversing Outlawries for High Treason, against several Rebels in that Kingdom (not within the Articles of Limerick) to the great discontent of your Protestant Subjects there.

We crave leave also to represent to your Majesty, that the Addition made to the Articles of Limerick, after the same were finally agreed, and the Town thereupon Surrendered, hath been a very great Encouragement to the Irish Papists, and a Weakening to the English Interest there.

Having thus most Gracious Sovereign, out of our Affectionate Zeal for your Majesty's Service, with all humble Submissien to your great Wisdom, laid before you these Abuses and Mismanagements in your Kingdom of Ireland; We most humbly beseech your Majesty for Redress therein;

That no Outlawries of any Rebels in Ireland may be Reversed; or Pardons granted to them, but by Advice of Parliament, and that no Protection may be granted to any Irish Papist to stop the Course of Justice.

And as to the Additional Article, which opens so wide a passage to the Irish Papists, to come in and Repossess themselves of the Estates which they had Forfeited by their Rebellion: we most humbly beseech your Majesty, that the Articles of Limerick with the said Addition, may be laid before your Commons in Parliament, that the manner of obtaining the same may be look'd into, to the end it may appear by what means the said Articles were so enlarged, and to what value the Estates thereby claimed do amount.

Thus may it please your Majesty, We your Dutiful and Loyal Subjects, do lay these Matters in all humility before you, and as your Majesty hath been pleased to give us such gracious Assurances of your readiness to comply with us, in anything that may tend to the Peace and Security of this Kingdom; We doubt not of your Majesty's like Grace and Favour to that of Ireland, in the Safety and Preservation, whereof this your Majesty's Kingdom is so much concerned.

I cannot but observe, that this Application was made by the House of Commons in our behalf, without any Representation of our grievances, from any County of this Kingdom; then the licentious quartering of the Army upon us, was what the House of Commons resented; but I appeal to the whole Kingdom, whether the 12 are not more Oppressed than the 12000; then the Army was not to be recruited with Irish Papists, least the good and loyal Protestant Subjects of Ireland should be discouraged; In this Libel, we are said to have been true to England, only out of self Interest; then Protections were not to be granted to Irish Papists, whereby Protestants

Protestants were hindred from their Legal Remedies, and the course of the Law stopt; now a Summons from these Gentlemen, must be a Protection against an Execution, the Sherriff of *Dublin* must be Imprisoned for Executing his Office; And when a *Habeas Corpus* Writ was granted him by the Kings Bench, he was Immediately in the Face, and in contempt of the Laws clapt up again, and there continued till he discharged his Prisoner; then the Protestants of this Kingdom were not to be discontented by the reversing Outlawries against several Rebels in that Kingdom; now, if we will credit this Author, this Act was made of purpose to resume all the Grants made to Protestants, and consequently to destroy the Rights of all those Protestants who held under them; but the Papists are to be confirmed in every thing; nay the Restorees by favour are so tenderly handled; that they are not to pay so much as a Fee, nor so much as have it inquired into; whether His Majesty's Favour were deservedly bestowed. Then the Protestant Interest was not to be weakened by great Encouragements given to Irish Papists. Nor 'tis not a farthing matter what becomes of a company of Distracted People; In this Loyal Address from the House of Commons, they doubt not of His Majesty's like Care and Favour to that of Ireland, in the Safety and Preservation whereof this your Majesty's Kingdom is so much concerned: May we not once again hope to see an English House of Commons, Espouse the Interest of this poor Country; May we not with more reason expect Relief from the joint complaint of the whole Kingdom, then from a private Application of Mr. *Sloan*, and one or two more: It may be said, that I designedly omitted taking notice of those parts of the Address which relate to the Forfeitures, but I do not; for however, hard it might have born upon the Prerogative: It must be owned, that 'twas consistent enough with the Interest of this Countrey; to have the Forfeitures applied to the Satisfaction of the publick Debts, before they became the property of particular persons; had the Lands then been divided amongst the Soldiers in Satisfaction of their Arrears, the Purchasers and Undertennants might have had as good Bargains from them, as from His Majesty's Grantees, and the Kingdom freed from the charge of this most Oppressive Court.

That those favorite Papists, who were the only persons, that by His Majesty's Proclamations, were Encouraged to betake themselves to their Tillage, &c. are by this Act deprived of their Labours and Improvements, to the Utter ruin of many Protestant Families as aforesaid.

'Tis true, that these are the only Men whose Crimes made it dangerous for them to return; but if His Majesty thought fit to invite the criminal Papists, to return and receive the Protections of the Laws could the Protestants who had been banished by the Irish, for adhering to the English Interest, doubt of their being equally welcome; is it not a grievance which deserves redress, that a great number of poor Protestants, who had taken Leases at a rack Rent from the persons, who had a legal Title to the Lands, and had laid out the greatest part of their Substance in repairing the desolations wrought by the War, should be deprived of all the benefit of their Labours, and the charges of their Improvements; is there any Foundation in reason for this Severity, are not the Lands improved by their Labours,

and will not they sell better now, tho the Titles of the poor Undertennants were preserved to them; then they would have done, had they lain all this time Wast. What have these poor people done, to forfeit their Industry; for my part I can see no reason why the Papists, who returned upon His Majesty's Proclamation and took Leases, and have behav'd themselves as became good Subjects, since their return, should be dispossessed more than the Protestants; but our Author having bestowed all his Compassion on them, makes me silent in their Case.

That the best part of those that bought from Patentees, at 3 or 4 years purchase, is, that they are Protestants, who in their dealing for those Estates, acted agreeable to the known and Established Practice of Purchasers in this Kingdom; which is to regard the Bargain more than the Title; and now by a Law made Ex post Facto; (of which your Honours give sufficient Notice) they find themselves in the same Condition they brought themselves into.

Here we are told, that the Purchasers have no other Title to Compassion than their being Protestants; that they bought at 3 or 4 years purchase; that the general practice in this Country, is to mind the Bargain more than the Title; that the Parliament gave sufficient Notice that they would Resume the Lands in 99, and that in short the Purchasers are in the Condition they have brought themselves into.

Was ever so much Malicious Falsity crowded into so many words, and with so ill a design; when 'tis certain, that most of the Grantees, but particularly my Lord *Rumney* Leas'd his Estate for 21 Years, and after sold two thirds of the Rents for 12 Years purchase, reserving a third to himself; so that it is plain the Purchasers under his Lordship would not get the Legal Interest of their Money, during the continuance of those Leases. My Lord *Athlone* sold rather dearer than my Lord *Rumney*, because of his Grant being Confirmed by Act of Parliament: the other Grantees sold Generally for 11 or upwards, but what is sufficient to satisfy any reasonable Creature, is, that the Purchasers in their Applications to the *House of Commons*, were, and are still, willing to come to a fair Account, even before the Trustees, to the end that whatever they had received over and above the Interest of their Money, might be deducted out of the principal; had the Purchasers bought a bad Title, then our Author might have justly affirm'd, that they regarded the Bargain more than the Title; but if these Titles could not be avoided without an Act of Parliament; and if any other Title may be avoided after the same manner, it cannot be said they bought a bad Title, but we are told, that the House of Commons gave Notice; I should be glad this Author had told us, when, and how; did not the House of Commons on the 6th of November, 1690. resolve that a Clause be prepared for reserving a proportion of the Forfeitures of *England* and *Ireland* to their Majesty's disposal; and on the 12th of Feb. 91. a Bill was read a third time, and ordered to be carried to the Lords, in which there was reserved to their Majesty's, one third of the Forfeitures, to be given to such Military Officers and Soldiers as their Majesty's should think fit, who personally served in the Wars of *Ireland*; and in this Bill there was a Clause in favour of my Lord *Rumney*; In the Year 1698. It was Voted, that a Tax should be laid on all bene-

beneficial Grants; and 'tis publickly known, that the debates then were, whether 2 or 4 years purchase: Could any one from these proceedings without the Foresight of our Author, conclude, that in the year, 1699. a bill of Resumption should pass without Regard to the Kings third, or the Merit of those who served him in person here; could the Purchasers under my Lord *Rumney* reasonably conclude, that in the year 1699. his Lordships Grant should be Resumed, without Regard either to his Lordships Interest, or of those who had purchased under him, when there was a clause in the Year, 1691 in his favour, after the House of Commons had so far acknowledged the Services of the Earl of *Athlone*, as to return him thanks by Members of their own; from what could the Purchasers under his Lordship conclude, that his Grant should be entirely Resumed; I will conclude my Observations on this Paragraph, with letting our Author know, that the Purchasers of Forfeited Estates are now in the condition, a few designing Gentlemen have brought them into; first, by grossly Misrepresenting His Majesty's Grants; and secondly, by denying the unfortunate Purchasers, the small benefit designed them by the Act; is any thing more plain, than that this Author designs to obstruct as far as in him lies, all relief to Protestants, Purchasers, or others, when he utters so many falsties to their disadvantage.

That this Act hath put us all to our Wits ends, upon an apprehension, least the Trustees who have power to sell the forfeited Lands vested in them, should sell all the Lands in the Kingdom; for some of them have vented a dangerous position from the Bench; that whatsoever sales they should make pursuant to your Act, shall be good and not be called in question by any of our Courts here: Now notwithstanding the great fright we are in; We have some enough left us to know, that if this Opinion prevail, it will not be in our power, to defeat any Titles purchased under the Act, upon pretence that the Lands were not vested in the Trustees; And we think it Intrenches very much upon the Liberties of Ireland, that thirteen Judges that are Strangers, named by King Lords and Commons in England, should not have their Judgments controlled by three of our Country Judges, who must be better acquainted with these Titles, having themselves been Agents to the Grantees or Purchasers under them.

Here we are told, That the Protestants are under great apprehension, least their Estates which were never forfeited, should be sold, and that unless the Trustees have this Power, there will be no security to purchase under them; then follows, that tho' one of their number be dead, yet the Trustees are still 13; and that because Sir *H. S.* and Mr. *C.* and some others were chosen by King, Lords and Commons; therefore they must of necessity be Lawyers, and be much better qualified to act the part of both Judge and Jury; then the Judges and Juries of the Kingdom, who are better acquainted with the Mears and Bounds and Titles too, than a few Strangers can be presumed to be; then follows, that some of the Judges have been Purchasers, &c.

If the Trustees have this Power, the Protestants have reason to be at their Wits ends; the Argument in plain-English is, that unless John a Nokes, possessor of Black Acre, have a power to sell White Acre, which is the propriety of John a Stiles, a purchaser of Black Acre from John a Nokes, has no security; did ever any Man

yet dispute, that what they shall sell pursuant to the Act shall be good; no, but this will not satisfy these modest Gentlemen, unless they have power to sell also the Lands which were never vested in them; did not Sir *Henry Sheers* acquaint the House last year, that they had got 140000 Acres by their Survey, tho by his favour, their Survey was not at that time compleat; I would be glad to know what that Gentleman meant; the Commissioners returned Exclusive of the Estates restored by Articles or Favour 752953 Acres; and the private Estate consisting of 95649, making in the whole 898601; does he mean that the Forfeitures now to be sold, amount to 140000 more then this; if so, the whole Forfeitures will amount to 988601 Acres; but if they have lost 180000 Acres in one place, and got 140000 Acres in another; then 'tis plain they have lost 40000 Acres in the whole by their Survey: To make this matter plain, and shew the World what reason the People of this Country have to be at their Wits end, the matter of Fact is thus; the Trustees have sent out their Emissary Surveyors, who without Summoning or Giving the least notice, either to the Occupiers of the Forfeited Lands, or of those adjoining; have Surveyed the Lands, and in their Survey have incroached upon the Neighbouring Lands, in some places 300 Acres, some 200, in some places more, in some less; nay, in some places they have Surveyed Rivers, and in other places Boggs, where they could not walk to lay their Chains or fix their Instruments; these Acres so acquired they have returned to the Parliament of *England*: Now should they sell according to these Surveyors, in what a fine condition will the People of this Country be; if they must lose the Lands they have been for 40 or 50 years in quiet possession of, for no other Reason, but because the Surveyors of the Trustees have Surveyed those Lands, and because the Trustees have after sold them; for this is what they aim at, suppose there was such a Commission as this set on Foot in *England*: It is to be presumed the Parliament would be very cautious of investing any number of men with a power of selling any more than what was really the Property of the forfeiting person; Men at this rate would be divested of their Estates without so much as a tryal before the Commissioners themselves; were a tryal before 12 men chosen by King Lords and Commons, so much preferable to the ordinary way of tryal by Judges and Juries; 'tis strange our Author has not recommended his method to the people of *England*; 'tis reasonable to conclude, he would soon be told, that the liberty of the English Subjects consisted in having their Lives, Reputations and Properties, tryed by Juries of their Neighbours and Equals, while *England* is of Opinion, that this old fashioned way is preferable; it will be difficult for our Author to persuade the Irish, who think themselves Intituled to the liberties of English men, to be of his Opinion; how far the Management of this Court, will reconcile the rest of Mankind to be of our Authors Opinion, the numerous Petitions now before the House of Commons, and the general Addresses from the Counties of *Ireland*, will shew the most natural consequence that can be drawn from the Judges, having been purchasers, is, that the Titles were good; and that great Compassion ought to be had for the poor Country Gentlemen, who followed their Example.

That the Power given to the Trustees is so Arbitrary and Unlimited, that People cannot sleep in their Beds for being Summoned at all Hours in the Night, to Appear and give Evidence in open Court, in the Day time as they do, and always have done in all Courts of Judicature whatsoever.

In this Paragraph, the Author is of Opinion, that it is Reasonable the Trustees should have Power to Summon People to give Evidence, and so are We.

But if the Power be abused; If Persons under Colour of this, have been Summon'd up from the Remotest part of the Kingdom, and have been sent back again without being Examined, or any Thing to bear their Charges, and this on Pretence of Discovery's which they were ashamed to proceed upon, if after they found that the Discovery's were like to Produce little or nothing, they laid them aside till the 25th of March next is over, and then intend to make use of them in Order to Obtain a farther Time to Tyrannize over this Unfortunate Country, then the abuse of this Power may instantly be Numbred amongst the Grievances of this Kingdom; the Trustees have already Examined into several Discoveries. I hope they will lay the Produce of them before both Houses.

That this Act is a great Discouragement to some Protestant Proprietors of your Honours Lands, to lay out more Money on Improvements thereon, lest their Title to the same should be Inquired into; This Act being extended not only to Subject Titles which would have passed Currant among Friends in other Courts to the Sentencing of the Trustees, but in Express Terms defeats the Grant made to the Earl of Athlone, tho' Confirm'd by an Irish Act, which we are Ready to prove, in Case your Honours shall deny the same.

There the Author tells us, that Forfeitures do of Right belong to the House of Commons, that the Purchasers and other Occupiers of Forfeited Estates are Discouraged from Improving; He then bestows some of his Favours on the Courts of Justice in this Kingdom, and Offers to prove that my Lord of Athlone's Grant was Confirm'd by an Act of Parliament.

Those who are Fond of the Doctrine of Translation may for the Novelty of it, Receive this, but I may safely say, that it is the First time any Thing of this Kind was affirm'd in Print, had His Majesty in whom the Property of all Forfeitures were, before he gave them away, and thereby made them the Property of other Persons, been so pleased as to leave these Forfeitures to the Disposition of his Parliament, it had been an Act of Great Condescension, and had Injur'd no Man; But after His Majesty had given them away, and the Grantees had sold and Disposed of them for a valuable Consideration; and the Purchasers had settled them, and in less then Two Years laid out above 5000 l. in Improvements, which was near a Tenth Part of the whole Value of what was Purchased, to Resume them without Regard to private Property, is what may Reasonably be termed a Grievance: And indeed 'tis no Wonder if these Unwary Gentlemen are Unwilling to lay out more on Improvements, till they see what Allowance will be made them for what they have done already. I think there is nothing plainer then that every Thing is a grievance, which gives a check to Improving. I leave our Judges to make their own Defence; And our Author to prove that no Body will deny.

That the whole Scheme of the Act, Drawn by your Honours (for dividing the Forfeitures among the Protestant Soldiery who beat the Papists) and the Execution of it, in Order to that by Persons Chosen by You, expresses and Discountenances the Protestant Interest of this Kingdom, and Encourages the Papist as we have said three Times before; of this We feel the Effects by the Insolent Behaviour of the Papists throughout the whole Kingdom, which must be Occasioned, either by Acknowledging the pretended Prince of Wales, the French King, or some other Expectation they have from the Impartial Proceedings of the Trustees, that they shall for the Future have better Quarter in Court, of Judicature, then they lately had against the Grantees, or ever Expected from some other Folks.

Here we are told that the Scheme of the Act, was to Divide the Forfeitures amongst the Protestant Soldiery who Beat the Papists, that the Trustees are Chosen by the House of Commons. that therefore it is a high Misdemeanor in us, to open our Mouths However Unjust or Partial they may be in the Execution of their Commission. And that the Irish Papists are so meek, a good Natured People; that neither the Favours they Receive by the Act, nor the Countenance they meet with from the Trustees, nor the Acknowledging the pretended Prince of Wales by the French King, will add any thing to their hopes, nor in the least Alter their Behaviour. This is the true meaning of this Banter: Our Author must be allowed to be all of a Piece, for again He becomes

Advocate for the Papists; Will any Man deny but in many particulars the Act is made Favourable to Papists then Protestants? Has not our Author told us, before that the Act was made on purpose to Resume the Grants made to Protestants, and to leave the Papists as it found them? May not the House of Commons be disappointed in their Expectations, by Men of their own chusing, as well as others have been before them. And may not different Houses of Commons, have different Views? and may not Circumstances of Time, put Men upon New Policies? 'Tis possible, in former times the Protestant Interest might have been looked upon as too Considerable: 'Tis Visible now, 'tis the Interest of England to Encourage it: But to Reconcile the Soldiery to our Author, for he would be glad to have them for his Seconds upon an Ocession; Care is taken to represent; that the Lands are to be Divided amongst them. Were the Lands to be Divided amongst them, at Thirteen Years Purchase, according to the Estimate in the First Report, and sold Proportionably for Lesser Interest, it were very well; But whatever is the Design of the Act, 'tis Certainly not the Design of our Author: His Design has long since been made Publick; a Corporation is to be Erected in England, who are to have a Lumping Penny Worth of them; tho' they were worth near three Millions in their first Report; yet now the Corporation is to have them for a Million; but this Corporation would do well to inquire into the Receipts of their Treasury, which is a much better Method of finding out the True Value of the Forfeitures, than the Return of their Receivers, and Surveyors: There is nothing more certain, than that the People here have been Forced for their Conveniencies, to give more for their Lands, then they are able to make of them. Many have Chose rather to Quit their Possessions, tho' they had Incumbrances upon them, then give so high a Rent; others have desired to be Released from their Bargains. 'Tis true, some Instances can be given of Good Bargains; but these are Confirm'd to their own Relations, so that they are rather Instances of their Partiality, then Compassion.

We are Perswaded, that the Parliament of England Acted without Fear or Wit, when they made this Act; being either not Informed, or Misinformed, by those Intrusted with that Inquiry, in Reporting the Forfeitures, at Four times the Value We ever Returned them to the Grantees, under our Management. Now we will not affirm, but would have your Honours, and all Men believe by these Presents; That this was done wilfully, and to some End or other: And we can make it as plain as a Sun-Dial; That all Proofs, sent from Us (tho' never so Plain and Positive) were Discredited, when they Tended to make the Forfeitures less then they really were, and to Divert them from telling the Truth.

The true Meaning of this Paragraph, being put into Civil Terms, is, That in the Oppinion of the Protestants of this Kingdom, the House of Commons were not rightly Inform'd by those Intrusted with that Inquiry. That the Forfeitures were represented at a much greater Value, than they will be found to Amount to; and that it is well known, all proofs which tended to Lessen the Values, were disregarded. In this, so far He does us Justice; for we are Intirely of Oppinion, that the House of Commons were not rightly Inform'd of the Values, and further; That had they Represented Matters fairly, the House of Commons of England, would never have passed so severe a Censure on His Majesty's Grants, nor for so small a Sum as this will produce, in the End, bring Vast a Sum on so many Protestant Familys. Can We Imagine the Parliament of England would have proceeded as they have done, had the Commissioners represented Matters thus, that the private Estate when Granted, to the Lady Orkney, was worth 8000 l. per An. charged with Annities of 3000 l. per An. That her Lady-ship had renewed Leases to Protestants; had raised the Rents to 9000 l. per An. And had received near 12000 l. Fine: That this Estate, were it to be let at the Rack without Fine; It might be raised to better then 15000 l. a Year; but that this could not be done without the Ruin of a great many Protestant Familys, who had been many Years Tennants of those Lands, and had Laid out Vastly on Improvements. Had the Commissioners given this Account, tho' it was not properly within their Inquiry; the House of Commons might have been of Oppinion, that this Grant was too Great; but Instead of this, the Commissioners of Inquiry, Represented this Estate in their First Report, to be Worth 25995 l. per An. Sr. Henry Sheers, the second Year Acquainted the House that this Estate was worth 30000 l. a Year, Mr. Annesley, that there were a Great many Leases on the Private Estate which Determined last May; That they had Lot some of them, as he thought at 4 Times as much as they were Formerly set at; and that if they increased in Proportion, this Estate would amount to 32000 l. per An. Nay Sr. Henry Sheers, being unwilling to be outdone, immediately turns Prophet in these Words: I do presume to say that we

of despair making this Estate worth 35000 l. *per An.* this I say on very grounds; I hope this Gentleman will lay his Rentrol and his Rules of Survey, in which he has taken a great deal of pains before the present House of Commons; on the other hand, had they represented the Forfeitures to be worth about 25 or 30000 l. *per An.* clear of Incumbrances, That His Majesty had granted part of them amounting to amongst 76 persons, that out of those Lands granted 4000 l. a year, additional, quit Rents were reserved to the Crown; that the Lands not granted amount to *per An.* that the Grantees had sold to Protestants, to the value of 59000 l. that those Purchasers had considerably Improved them, that if their honours pleased to resume these Grants, without regard to Tenants, Purchasers, or Improvers, a Sum of 2 or 300000 l. might be raised out of the Ruin of many Families; this had been an honest Representation, but instead of this, they value the Forfeitures at 161000 l. *per An.* they ballance the Incumbrances with the Forfeited Debts, so that the House of Commons had just reason to expect from this Fund above two Millions of Money, when by this great value, they had engaged the House of Commons in the matter, and secured to themselves a prospect of a good Gallery, knowing full well, that the Forfeitures would not answer Expectation, they then fall into serious Consideration among themselves; and one or two more Ingenious Gentlemen, how to make this matter in some measure bear; says one, let us make void all voluntary Settlements since 86; this will bring us in several good Estates that are not now Forfeited; says a second, let us in this Bill cut off all Remainders expectant upon Estates tail. Here 'tis proper to take notice of Mr. Speakers question to Mr. Trenchard last year and his Answer, Mr. Speaker, *Are there many Estates of the same kind, as Mr. Luttrell, now Mrs. Luttrells Estate; at that time as a Remainder upon an Estate tail actually Vested.*

Mr. Trenchard. *A great many, to the value of the third part of the Forfeitures.*
Says a third in this Council of five these are good steps, but we may yet go further, there are a great many Incumbrances upon these Forfeited Estates, which belong to Protestants there; Necessities have forced them to sell those Incumbrances to one another for less than is really owing: now let us frame a Clause, to take away the benefit of such bargains; then there are the Outwries in Tipperary which lie Dormant; so soon as the Act is past we will lay hold on them, where should we stir them: Now 'tis possible the House may relieve these people, these matters were with little difficulty agreed to, as the properest Expedients to save these Gentlemens Reputations, but how can this pass on so wise an Assembly as the House of Commons of England: If the Act has created new Forfeitures, ought not the produce to be so much more, had the first report been true; but if after all, the Forfeitures will not amount to 50000 l. *per Annum* clear of Incumbrance, how can their first Report be made good; they have now laid a third Representation before the House; what will these Gentlemen say, if it be made appear, that the Incumbrances under some Heads are double what they have returned; surely they will be discovered one time or other, it will not be ways in their power, by Evasive Answers to Entail Oppressions on this Country.
Our Author comes now to Ridicule the great Expence this Kingdom has been put to.
And herewith, we send your Honours the Bill of Costs this Kingdom hath already been put to by this Act.

Imprimis, Attendance upon the Trustees, with Council, to be restored in a short and summary way, to what we never should have had elsewhere, by tedious suits in Law.

Is it not a charge to attend the Trustees, day after day with Council for God's sake; who is it has been restored in a Summary way, to what they never should have elsewhere by tedious Suits at Law; so far this is certainly true, that several Papists have recovered before them what never would have been recovered, nor so much as attempted, before the Judges and Juries of this Kingdom: that Miracles have been wrought since their landing, have not Deeds been found out in old trunks, amongst Rubbish and others sent out of France, which never were discovered before; and are not some Papists in quiet possession of their Estates by virtue of those deeds, but let them Instance in one Estate if they can, recovered by a Protestant, they were not in quiet possession before, Instance several Protestants who have lost their Estates, would it not make this Paper too tedious.

Item. Witnesses to prove our Titles, without which the Trustees would not allow the same.

But is it not a hardship, that all who are concerned in the Forfeitures, should be put to the necessity of being Plaintiffs, and forced to prove Titles which never would or could be contested elsewhere; that Mortgagees and other Creditors, are not only put to the necessity of proving their Debts, but the payment of the Money also at the distance of time.

Item. Fees to their Officers, which are accounted for to the publick.

D 2

Are

Are not the Fees to their Officers an Expence to the Kingdom, whither they are accounted for to the publick or not; have not some of us paid 5 l. for the Coppies of the Minutes in one Claim; in their first Report, they fill up two long Paragraphs, with shewing the Oppression of the former Court of Claims; but the House of Commons being upon search of this themselves, and there being an honourable Member, whose Reputation was endeavoured most unjustly to be sullied by that Report; I leave him as I do our own Judges, to make his defence; 'tis well known in this Kingdom that this Court has brought ten times greater expence than the other Court, so much by them complained of.

Item. *The Salleries of the Trustees themselves, which being paid out of the Rents of the Forfeited Estate must needs be an Additional Charge to your Petitioners.*

Notwithstanding the Sallaries of the Trustees, are paid out of the Rents of the Forfeited Estate yet it impoverishes the Nation, for that money did use to Circulate which these Gentlemen Pocketed. His Grace the Duke of Ormond and those who have Estates in this Kingdom, will soon feel the ill effects of having the whole Cash of the Kingdom, pocketed by a few Clerks and Lawyers.

Item. *Salleries to near Relations and others, paid them as aforesaid by way of Imprest.*

Would it not move the Indignation of a Kingdom, to see young Gentlemen of no Experience in business, leap into places of 5 or 600 l. per An. while the Army are neither paid principal nor Interest of their Debts, nor the Country, what has been for many years owing to them, for quarters they gave the Army:

Item. *Other Charges spent for Meat, Drink, and Lodgings at Dublin, to the Impoverishing the Metropolis of this Kingdom; besides the charges of this Address, by sending it from the blew-post Tavern in Dublin, to all the Quarter-Sessions of the Kingdom, to get Protestants hands to it.*

What the City of Dublin get by Meat, Drink and Lodging, will not make up what they lose by the general poverty brought upon the Kingdom.

Now, if your Honours please to cast up all this (for we know not what it is) We hope it will exceed the utmost, that the Act (executed as bad as it is) will produce.

Indeed 'tis not possible to tell, how much this Kingdom is a looser, but the Effects are very visible to every Gentleman of an Estate in the Kingdom, and will be more so, if this Kingdom be long continuance.

Now such a sum as we intended for the publick, might have been equally (or unequally) raised upon Forfeitures without much complaint, and hereby (as we said before) the publick might have had something and we the rest; and your Honours have heard no more of us, which nothing but the loss, of what we thought to have got, would have put us upon now; in this manner some Money might be yet got, could your Honours and we come to a right understanding between our selves; tho' not near so much as might have been before the value of the Lands, were so well known by the Act and the Execution of it, by which the Report of the Commissioners, is like to be made good, whether we will or no.

Now I leave all considering Men to judge, whether a Tax of 4 Years Purchase, laid on all Lands Restored, Favour or Granted away, added to what might have been Raised, by Sale of these Lands not Granted; would have Answered better the Ends of the Publick, then what will be got by the Act: Had this Method been taken the Money had been raised long since, and the Kingdom left in a Condition of being Serviceable to His Majesty, and the People of England: Whereas, now We are Reduced to the last Degree of Poverty; And it is Wonder, this is Our Present Condition, when all Endeavours Possible are Used to Prevent Our Coming to a good Understanding, or Converting Measures for the Common Good: I will Conclude this Paragraph, with telling the Author, that 'tis neither in his Power nor ours, nor possible to make Good the Report of the Commissioners.

And now after all, We are Graciously pleased upon this Occasion, to Assure your Honours, that We are Satisfied your Honours could not help all this, being Imposed upon by the Commissioners who made the Report; And therefore, We freely forgive your Honours for this time; Provided you do not make the Protestants of this Kingdom, pendant upon your Legislature for the Future: To which Each of Us set Our Several and Respective Catts Feet, this Day of April.

This is such Rediculous Banter, and his ill Natured Insinuations, are so fully Answered, in what I have already said; That I will trouble my Reader no farther; Only advise Mr. Patrick Campbel, Printer to the Trustees, Edwin Brooks, Clerk to Mr. Trenchard, who Transcribed it, and Mr. William Secretary to the Trustees, who rected the Press; To prepare for their Tryals at the Kings Bench Barr, for the Great Affront done His Majesty, House of Commons of England, the Nobility and Gentry of this Kingdom; And for having Endeavoured as much as in them Lay, to stir up Sedition amongst us.

